

HIGH COURT OF GUJARAT AT AHMEDABAD

MISC. CIVIL APPLICATION NO.460 OF 1990

Date of decision:7.11.1995.

For approval and signature

The Honourable Mr. Justice S.M. Soni

and

The Honourable Mr. Justice R.R. Jain

Mr. Nigam R. Shukla, advocate for petitioners.

Mr.K.S. Nanavati, advocate for respondents.

1. Whether Reporters of Local Papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Coram:S.M.Soni & R.R.Jain,JJ.

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November 7, 1995.

Oral judgment : Per Soni, J.

Supreme Court in the case of the Alahar Co-operative Credit Service Society v. Sham Lal, 1995 (2) GLH 550,

has held that contempt proceeding is not a substitute for execution. Any order passed under the Bombay Industrial Relations Act is executable under the said Act. Hence, alleged order can be executed and, therefore, it cannot be said to be wilful disobedience of the order if the same is not complied with. Hence, application is not maintainable and is hereby dismissed. Rule discharged. No order as to costs.